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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,015	03/03/2004	Trevor Arthurs	2504-019	4277

7590 11/25/2005

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,015

Applicant(s)

ARTHURS ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8-14 and 21-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed fail to provide support for the limitation "from 1% to 15% cyclic-olefin copolymer and from 1% to 25% softening olefin copolymer" in claim 8, lines 5-6 and 8-9. The specification as originally filed does not provide support for the lower limit 1% of the cyclic-olefin copolymer and the lower limit 1% of the softening olefin copolymer.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer et al (U.S Patent 6,068,936) in view of Childress (U.S. Patent 6,479,138 B1), Lustig et al (U.S. Patent 5,632,843) and Lamonte et al (Stiffer, Thinner Packaging Films with Improved Sealing Using Cyclic Olefin copolymers).

Peiffer et al disclose a biaxially oriented polyolefin film containing cycloolefin polymer and process for the production thereof. Peiffer et al. disclose a multilayer film wherein at least one layer contains cycloolefin polymer (col. 3, lines 7-49). Polyolefins such propylene polymer, ethylene and their copolymers are disclosed (col. 7, lines 1-63). Peiffer et al disclose amount of cycloolefin with the polyolefins from 1 to 40wt% (col. 4, lines 38-44). Peiffer et al's multilayer film can be a five layer or three layers (Col. 3, lines 15-21). Peiffer et al. fail to disclose double-bubble process, cross-linking with radiation etc.

Childress discloses a multilayer low shrink biaxially oriented film which is cross linked by radiation treatment. The radiation treatment can be carried out before or after orientation (col. 6, lines 32-44). The process of making film is identical to process of Peiffer et al (col. 5, lines 16-43).

Lustig et al. disclose a heat shrinkable biaxially oriented polyolefin film produced by a process of double-bubble process and also irradiating biaxially stretched film (Example 1).

Lamonte et al disclose that addition of cycloolefin polymer to polyolefin such as polyethylene increases the modulus (Figure 5), lower the haze (Figure 6), reduce the co-efficient of friction (Figure 7) and blocking, improve seal strength, sealing range and faster sealing line speeds (Figures 8 and 9) and improve moisture vapor transmission (moisture barrier) (Figure 10) (see second paragraph under COC in Flexible films heading). Lamonte et al show blends of polyethylene containing COC at concentration of 15% and 25% in Figures 8 and 9.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosures of Childress, Lusting et al and Lamonte et al in the invention of Peiffer et al to make a multilayer film using polyethylene containing cycloolefin to improve physical properties, reduce co-efficient of friction for high speed packaging application and improve moisture barrier.

No claims are allowed.

5. Applicant's arguments filed September 9, 2005 have been fully considered but they are not persuasive. In reference to rejection of claims 1-26 under 35 USC §103(a) as being unpatentable over Peiffer et al (U.S Patent 6,068,936) in view of Childress (U.S. Patent 6,479,138 B1), Lustig et al (U.S. Patent 5,632,843) and Lamonte et al (Stiffer, Thinner Packaging Films with Improved Sealing Using Cyclic Olefin copolymers), applicants mainly argue that Peiffer et al relate to multilayer films with heat sealing properties while present invention relates to high speed shrink films. The heat sealing applications are significantly different from shrink film applications. The desired properties of each of those films are totally different with respect to either modulus or melting point. Addition of cyclic-olefin copolymer (COC) improves the shrink initiation but do not provide a corresponding decrease in the modulus of the film. In addition Peiffer et al do not disclose or suggest addition of COC in each layer of the film. Since the desired properties for the heat sealing film differ from the desired properties of the shrink film of the present invention, there is no motivation to combine Peiffer et al with the recited secondary references.

These arguments are unpersuasive because Lamonte et al clearly teach improvements in heat seal strength, increased sealing temperature range and faster sealing line speed. Peiffer et al adds COC to improve modulus and sealing properties. Peiffer et al do not disclose that heat seal film requires to have decreased modulus and melting point. Addition COC does not change seal initiation temperature. Since addition of COC to polyolefin reduce haze, increase seal strength and seal line speed, a person of ordinary skill in the art would add COC in each layer forming polyolefin compositions of the multilayer film to maintain low haze.

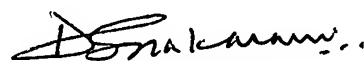
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. S. Nakarani
Primary Examiner
Art Unit 1773

Dsn
November 19, 2005.